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恒河上游与下游之间的挑战-对印度-孟加拉国双边条约的审视及新法律制度的构建

**Upstream-Downstream Challenges On The Ganges-  
Examining The Bilateral Treaty Between India-Bangladesh  
And Proposing A New Legal Regime**

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## 摘要

本文试图探讨《恒河水资源共享协议》的空白和其面临的挑战，并试图找出该协议对于作为下游国的孟加拉国是否有所裨益，以使印度和孟加拉国可在枯水季共享恒河水源及其增流。由于印度法拉卡拦河坝的建设，恒河水的利用问题已成为两国之间冲突的主要来源。尽管两国已签署了两个条约和两部谅解备忘录，下游国家孟加拉国仍然声称他们没有得到根据条约规定应得的利益。事实上，他们在农业、环境、社会和经济方面的确正面临着严峻的问题。

本篇论文有两个目的：一是探讨法拉卡拦河坝的存在对处于恒河下游的孟加拉国而言是否有利，剖析现有的条约以及孟加拉国面临的社会、经济、环境等问题；二是通过分析国际法律和条约，寻求一个能被共享恒河水资源的上下游沿岸国家都接受的解决方法，达成多方共赢。

综观全球，跨界河流共有263条，这些跨界河流大部分是两个国家之间的共享，刚果河，尼日尔河，尼罗河，莱茵河和赞比西河由9至11个国家共享，多瑙河流经18个国家。在任何地方，上河岸跟下河岸之间均存在冲突和问题。截至20世纪全世界已协商和签署200多个与水有关的条约。孟加拉国与印度之间有54条跨界河流，但是在上下游国家之间存在水资源共享协议的却只有一条河流。

笔者希望这篇论文能够找出孟加拉国与印度两国之间的水资源问题正面临的挑战并找到一些可行的方法，以期为将来的国际河流之间水资源共享条约的构建提供合理的建议。

**关键词：**跨界河流、恒河、法拉卡拦河坝、上游国家、下游国家、谅解备忘录、条约

## **Abstract**

This thesis tries to find out the gaps and challenges in Ganges water sharing treaty. Also try to find, whether there are benefits for the lower riparian country Bangladesh or not, getting from the Farakka barrage. Both India and Bangladesh shares waters of the Ganges River. Since the construction of the Farakka barrage in India, Ganges water became the key source of conflict between the two countries. Though there are two short treaties and two memorandums of understanding signed by the two countries, the lower riparian country Bangladesh always claims that she is not getting her shares according to the treaty. As a matter of fact, she is facing serious problems in environmental, social and economic, agriculture, manufacture, food industry, fish resources, in land water navigation, foreign trade and employment sectors.

This thesis has two objectives: first, it will try to find out whether there is any benefit or not due to farakka barrage in the river Ganges for downstream country Bangladesh, after examining the treaties and current socio-economic problems they are facing. And secondly, considering International laws and treaties, it will find out an acceptable solution for the both upper and lower riparian countries sharing Ganges water, for achieving a win-win situation.

There are 276 trans-boundary river basins in this world.<sup>1</sup> Most of these trans-boundary river basins are shared between two countries, but there are 13 basins worldwide that are shared between 5 to 8 countries. The Congo, Niger, Nile, Rhine and Zambezi are shared

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<sup>1</sup> There are 276 trans-boundary river basins in the world and 200 trans-boundary aquifers have also been identified. 64 trans-boundary river basins in Africa, 60 in Asia, 68 in North America and 38 in South America.

See [http://www.unwater.org/fileadmin/user\\_upload/unwater\\_new/docs/trans-boundary\\_waters.pdf](http://www.unwater.org/fileadmin/user_upload/unwater_new/docs/trans-boundary_waters.pdf)

between 9 to 11 countries. Danube flows through the landmark of 18 countries. Almost everywhere, there are problems between the Upper riparian and lower riparian. In the last century, more than 200 water related treaties have been negotiated and signed. Bangladesh shares 54 Trans boundary Rivers with India and only one has water sharing treaty between the upper and lower riparian.

I hope this thesis will find out challenges as well as an acceptable solution of water sharing between the two nations, and will help future treaties to share the water of the international rivers.

**Key words:** Trans boundary river, The Ganges, The Farakka Barrage, Upper riparian, Lower riparian, Memorandum of Understanding, Treaty, Gaps and Challenges.

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印度共和国政府和孟加拉人民共和国政府之间关于共享位于法拉卡的恒河水资源的条约。

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## **List of Abbreviations**

<b>BCM</b>	Billion Cubic Meter
<b>BSS</b>	Bangladesh Sangbad Shangstha
<b>CRORE</b>	Ten Millions
<b>CUMEC</b>	Cubic Meters Per Second
<b>GAP</b>	Ganga Action Plan
<b>GBM</b>	Ganga-Brahmaputra-Meghna
<b>GDP</b>	Gross Domestic Product
<b>IBJRC</b>	Indo-Bangla Joint River Commission
<b>ICJ</b>	International Court of Justice
<b>ILA</b>	International Law Association
<b>ILC</b>	International Law Commission
<b>JRC</b>	Joint River Commission
<b>LAKH</b>	One Hundred Thousand
<b>MDG</b>	Millennium Development Goal
<b>MOU</b>	Memorandum of Understanding
<b>M/s</b>	Meter per Second
<b>RBO</b>	River Basin Organization
<b>SAARC</b>	South Asian Association for Regional Co-operation
<b>Sq. km.</b>	Square Kilo meter

<b>TFDD</b>	The Trans-boundary Freshwater Dispute Database
<b>TWC</b>	Trans-boundary Water Course
<b>UN</b>	United Nations
<b>UNECE</b>	United Nations Economic Commission for Europe
<b>UNWC</b>	United Nations Watercourses Convention
<b>US</b>	United States

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